

**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 3: PROTECTION AND IMPROVEMENT OF WATERS**

**§490-W. DEFINITIONS**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 700, §35 (NEW).]

**1. Affected land.** "Affected land" means all reclaimed and unreclaimed land, land that has or will have the overburden removed, land on which stumps, spoil or other solid waste has or will be deposited and storage areas or other land, except natural buffer strips, that will be or has been used in connection with a quarry.

[ 1995, c. 700, §35 (NEW) .]

**2. Airblast.** "Airblast" means an atmospheric compression wave resulting from the detonation of explosives, whether resulting from the motion of blasted materials or the expansion of gases from the explosion.

[ 1995, c. 700, §35 (NEW) .]

**3. Blaster.** "Blaster" means a person qualified to be in charge of or responsible for the loading and firing of a blast.

[ 1995, c. 700, §35 (NEW) .]

**4. Blasting.** "Blasting" means the use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation.

[ 1995, c. 700, §35 (NEW) .]

**5. Blast site.** "Blast site" means the area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes.

[ 1995, c. 700, §35 (NEW) .]

**6. Detonating cord.** "Detonating cord" means a flexible cord containing a center core of high explosives that may be used to initiate other explosives.

[ 1995, c. 700, §35 (NEW) .]

**7. Explosive.** "Explosive" means any chemical compound or other chemical substance that contains oxidizing or combustible materials used for the purpose of producing an explosion intended to break or move rock, earth or other materials.

[ 1995, c. 700, §35 (NEW) .]

**8. Flyrock.** "Flyrock" means rock that is propelled through the air or across the ground as a result of blasting and that leaves the blast area.

[ 1995, c. 700, §35 (NEW) .]

**9. Matting.** "Matting" means a covering placed over load holes and adjacent areas in order to minimize generation of flyrock and limit airblast effects.

[ 1995, c. 700, §35 (NEW) .]

**10. Natural buffer strip.** "Natural buffer strip" means an undisturbed area or belt of land that is covered with trees or other vegetation.

[ 1995, c. 700, §35 (NEW) .]

**11. Passenger car equivalents at peak hour.** "Passenger car equivalents at peak hour" means the number of passenger cars, or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this article, one tractor-trailer combination is the equivalent of 2 passenger cars.

[ 1995, c. 700, §35 (NEW) .]

**12. Peak particle velocity.** "Peak particle velocity" means the maximum rate of ground movement measured by any of the 3 mutually perpendicular components of ground motion.

[ 1995, c. 700, §35 (NEW) .]

**13. Preblast survey.** "Preblast survey" means documentation, prior to the initiation of blasting, of the condition of buildings, structures, wells or other infrastructures; protected natural resources; historic sites; and unusual natural areas.

[ 1995, c. 700, §35 (NEW) .]

**14. Private drinking water supply.** "Private drinking water supply" means a surface water supply, a dug well, a spring or a hole drilled, driven or bored into the earth that is used to extract drinking water for human consumption and that is not part of a public drinking water supply.

[ 1995, c. 700, §35 (NEW) .]

**15. Production blasting.** "Production blasting" means blasting conducted for the purpose of extracting or removing natural materials for commercial sale or beneficiation.

[ 1995, c. 700, §35 (NEW) .]

**16. Public drinking water source.** "Public drinking water source" means a groundwater well or a surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days of the year.

[ 1995, c. 700, §35 (NEW) .]

**17. Quarry.** "Quarry" means a place where rock is excavated.

[ 1995, c. 700, §35 (NEW) .]

**18. Reclamation.** "Reclamation" means the rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest, the enhancement of wildlife and aquatic habitat and aquatic resources and the development of the site for residential, commercial,

recreational or industrial use. "Reclamation" does not include the filling in of pits and the filling or sealing of shafts and underground workings with solid materials unless necessary for the protection of groundwater or for reasons of safety.

[ 2005, c. 158, §9 (AMD) . ]

**19. Regulator.** "Regulator" means:

A. For a quarry located wholly within a municipality that is registered under section 490-DD to enforce this article, the municipality; and [1995, c. 700, §35 (NEW) . ]

B. For all other quarries, the Department of Environmental Protection. [1995, c. 700, §35 (NEW) . ]

[ 1995, c. 700, §35 (NEW) . ]

**20. Rock.** "Rock" means a hard, nonmetallic material that requires cutting, blasting or similar methods of forced extraction.

[ 1995, c. 700, §35 (NEW) . ]

**21. Stemming.** "Stemming" means inert material used in a blasthole to confine the gaseous products of detonation.

[ 1995, c. 700, §35 (NEW) . ]

**22. Surface blasting.** "Surface blasting" means any blasting for which the blast area lies at the surface of the ground.

[ 1995, c. 700, §35 (NEW) . ]

**23. Underground production blasting.** "Underground production blasting" means a blasting operation carried out beneath the surface of the ground by means of shafts, declines, adits or other openings leading to the natural material being mined or extracted.

[ 1995, c. 700, §35 (NEW) . ]

**24. Working pit.** "Working pit" means the extraction area, including overburden, of an excavation for rock. "Working pit" does not include a stockpile area or an area that has a permanent fixed structure such as an office building, permanent processing facility or fixed fuel storage structure.

[ 2005, c. 561, §3 (NEW) . ]

SECTION HISTORY

1995, c. 700, §35 (NEW). 2005, c. 158, §9 (AMD). 2005, c. 561, §3 (AMD) .

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